IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 1132 of 2007(I)

PETITIONERS:

1.V.M. ABDUL NAZAR, AGED 43 YEARS,
S/O.V.K.M.KUNJUMON, 26/553, PATTANI STEET,
KOPPAM AMSOM, PALAKKAD DISTRICT.

2.A. UNEENKUTTY, AGED 54 YEARS,
S/O.A.S.ABDULLAKUTTY, AKAPARAMBIL,
PEZHUMKARA, KOPPAM AMSOM, PALAKKAD DISTRICT.

3.P.A. UMMER, AGED 44 YEARS,
S/O.P.K. ABU, AKAPARAMBIL, PEZHUMKARA,
KOPPAM AMSOM, PALAKKAD DISTRICT.

4.C. VELAYUDHAN, AGED 51 YEARS,
S/O.V. CHAMI, AMBALAPARAMBU HOUSE,
KONDUNTHIRAPPULY, PINAYINI AMSOM,
PALAKKAD TALUK, PALAKKAD DISTRICT.

5.K. KRISHNADAS, AGED 44 YEARS,
S/O.KUNJUGUPTHAN, SHIVAJI ROAD,
KANNAKI NAGAR, KOPPAM AMSOM, PALAKKAD TALUK,
PALAKKAD DISTRICT.

6.K.S. BALASUBRAMANIAN, AGED 75 YEARS,
S/O.K.S. IYER, VAZHAKKACHAL KALAM,
ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.P.S.DIVAKARAN
SRI.CHRISTUDAS STEPHENSON
SMT.K.R.KRISHNAKUMARI
SMT.C.B.ANUROOPA
SMT.PREETHI K.PURUSHOTHAMAN

RESPONDENTS:

1.GOVERNMENT OF KERALA, REP. BY
THE SECRETARY TO GOVERNMENT, LOCAL GOVERNING
AUTHORITY, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2.PALAKKAD MUNICIPALITY, REP.BY
THE SECRETARY, PALAKKAD MUNICIPALITY,
MUNICIPAL OFFICE, KOPPAM AMSOM,
PALAKKAD TALUK, PALAKKAD DISTRICT.

3.DISTRICT COLLECTOR, PALAKKAD,
PALAKKAD DISTRICT, KERALA.

4.ESTATE OFFICER, PALAKKAD MUNICIPALITY
MUNICIPAL OFFICE, KOPPAM AMSOM,
PALAKKAD TALUK, PALAKKAD DISTRICT.

R1 & R3 BY GOVT. PLEADER MR.MATHEW G.VADAKKEL
R2 BY ADV. SRI.V.CHITAMBARESH,SC,PALAKKAD MUNCIPALITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

- -

W.P.(C)No.1132 of 2007

- -

Dated: 11th January, 2007

JUDGMENT

Having regard to the grounds raised and the submissions of Mr.P.S.Divakaran, learned counsel for the petitioners and those of Mr.V.Chitambaresh, learned Standing Counsel for the Palakkad Municipality, this Writ Petition will stand disposed of at this stage itself in the following terms:

The District Collector, Palakkad who is the Appellate Authority constituted under Section 10 of Act 25 of 1968 will take up Ext.P5 and similar appeals preferred by the petitioners against Ext.P4 order and dispose of those appeals in accordance with law at his earliest and at any rate within one month of receiving a copy of this judgment. Till such time as the appeals are disposed of by the District Collector, the Municipality will not dispossess the writ petitioners from the buildings presently under their possession provided the following conditions are complied with by them:

1. All the writ petitioners will pay the amount due from them as arrears of licence fee/rent (penal interest excluded) in three equal fortnightly instalments. The first instalment shall be payable on 18th instant, the next 14 days thereafter and the last 14 days still thereafter.

2. The liability of the writ petitioners to pay penal interest will be decided in the appeals and in proper further proceedings, if necessary.

3. If the petitioners cause defaults in the matter of remitting the amount as ordered above, they will forfeit the benefit of this judgment.

srd **PIUS C.KURIAKOSE, JUDGE**